

ORIGINAL

RECEIVED-FPSC

06 JAN 10 PM 2:43

MEMORANDUM

COMMISSION  
CLERK

TO: PSC Clerk  
FROM: Wayne L. Schiefelbein  
Of Counsel  
RE: C.F.A.T. H2o, Inc.  
Our File No.: 36013.02  
DATE: January 10, 2006

*WLS*

*060028-WS*

On behalf of C.F.A.T. H2o, Inc., enclosed for filing are an original and 4 copies of an Application for Approval for Transfer of Majority Organizational Control. A check in the amount of \$1,500 made payable to the FL Public Service Commission is also enclosed.

I have also included one copy to be date stamped and returned to me.

**PLEASE OPEN A NEW DOCKET TO PROCESS THE APPLICATION.**

If you have any questions, please feel free to call.

WLS/dcr

Enclosures

G:\CFAT H2O\Clerk memo.wpd

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check:

*WLS*

RECEIVED & FILED

*on*

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

00241 JAN 10 06

FPSC-COMMISSION CLERK

# ORIGINAL

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by C.F.A.T. H2o, Inc.  
for Approval of Transfer of Majority  
Organizational Control

Filed: January 10, 2006

### APPLICATION FOR TRANSFER OF MAJORITY ORGANIZATIONAL CONTROL

C.F.A.T. H2o, Inc. (the Applicant) requests that the Commission approve its Application for Transfer of Majority Organizational Control, and in support states:

1. The name and address of the Applicant are:

C.F.A.T H2o, Inc.  
P. O. Box 5220  
Ocala, Florida 34478-5220

2. The name, address, telephone number, and facsimile number of the person authorized to receive notices and communications with respect to this Application are:

Wayne L. Schiefelbein  
Of Counsel  
Rose, Sundstrom & Bentley LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
Phone: 850-877-6555  
Fax: 850-656-4029

Attorneys for Applicant  
C.F.A.T. H2o, Inc.

3. Attached is the Application with Exhibits, presented using the Commission's form for such transfers, together with the Applicant's check in the amount of \$1,500 as payment of the prescribed filing fee.

DOCUMENT NUMBER-DATE

00241 JAN 10 g

FPSC-COMMISSION CLERK

Respectfully submitted this 10<sup>th</sup> day of January, 2006.

  
\_\_\_\_\_  
WAYNE L. SCHIEFELBEIN  
Of Counsel  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
(850) 877-6555  
(850) 656-4029 (fax)

Attorneys for C.F.A.T. H2o, Inc.

**Information Package to Comply with Rule 25-30.037(3), Florida Administrative Code**  
**FOR TRANSFER OF MAJORITY ORGANIZATIONAL CONTROL**  
**(Pursuant to Section 367.071, Florida Statutes)**

TO: **Director, Division of the Commission Clerk & Administrative Services**  
**Florida Public Service Commission**  
**2540 Shumard Oak Blvd.**  
**Tallahassee, Florida 32399-0850**

The undersigned hereby makes application for the transfer of the majority organizational control of C.F.A.T. H2o, Inc. utility operating under Water Certificate No. 552 - W and/or Wastewater Certificate No. 481 - S located in Marion County, Florida, and submits the following information:

**PART I APPLICANT INFORMATION**

A) The full name (as it appears on the certificate), address and telephone number of the seller:

Name of utility **C.F.A.T. H2o, Inc.**

( 352 ) 622-4949 352-732-4366  
Phone No. Fax No.

Office street address **1410 NE 8<sup>th</sup> Ave**

City **Ocala** State **FL** Zip Code **34470**

Mailing address if different from street address  
**P.O. Box 5220 Ocala, FL 34478-5220**

Internet address if applicable  
**Charlie@alternativephone.com**

DOCUMENT NUMBER-DATE  
**00241 JAN 10 8**  
PSC-COMMISSION CLERK

B) The name, address and telephone number of the person to contact concerning this application:

Name **Charles deMenzes** Phone No. **352-622-4949**

Street address **1410 NE 8<sup>th</sup> Ave**

City **Ocala** State **FL** Zip Code **34470**

C) The full name (as it appears on the certificate), address and telephone number of the buyer:

Name of utility **C.F.A.T. H2o, Inc.**

( 352 ) 622-4949 (352 ) 622-4949  
Phone No. Fax No.

Office street address **1410 NE 9<sup>th</sup> Ave**

City **Ocala** State **FL** Zip Code **34470**

Mailing address if different from street address

Internet address if applicable

D) The name(s) and address(es) of all of the Buyers corporate officers, directors, partners and any other person(s) who will own an interest in the utility.

**Charles DeMenzes** President / Sec Stockholder  
12601 SE Sunset Harbor Road Weirsdale, FL 32195

**Floyd & Eugenia Segarra** VP/Directors Stockholders  
5460 SE 4<sup>th</sup> Place Ocala, FL 34471

**PART II FINANCIAL AND TECHNICAL INFORMATION**

- A) Exhibit  A  - A statement by the buyer indicating how the transfer is in the public interest, including a summary of the Buyers experience in water and/or wastewater utility operations, a showing of the Buyers financial ability to provide service and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters.
- B) List the names and locations of other water and/or wastewater utilities owned by the buyer and PSC certificate numbers, if any.

The following utilities are owned by Charles deMenzes.

<b>Tradewinds Utilities, Inc.</b>	<b>100% Ocala, FL</b>	<b>WS350-05-AR</b>
<b>Residential Water Systems, Inc.</b>	<b>100% Ocala, FL</b>	<b>WU370-05-AR</b>
<b>BFF Corp (49%)</b>	<b>Ocala, FL</b>	<b>SU595-05-AR</b>

- C) Exhibit  B  - A copy of the purchase agreement.
- D) Exhibit  C  - A statement of how the buyer is financing the purchase.
- E) Exhibit  N/A  - A list of all entities, including affiliate which have provided or will provide funding to the buyer, and an explanation of the manner and amount of such funding, which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility.
- F) Exhibit  D  - A statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and in compliance with all applicable standards set by the DEP.

If the system is in need of repair or improvement, has any outstanding Notice of Violation(s) of any standard(s) set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a list of the improvements and repairs needed and the approximate cost to make them, a list of the action taken by the utility with regard to the violations, a copy of the Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs consented to and the approximate cost.

**PART III NOTICE OF ACTUAL APPLICATION**

- A) Exhibit   E   - An affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:
- (1) the governing body of the municipality, county, or counties in which the system or the territory proposed to be served is located;
  - (2) the privately owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located;
  - (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission;
  - (4) the regional planning council;
  - (5) the Office of Public Counsel;
  - (6) the Public Service Commission's Director of the Division of the Commission Clerk and Administrative Services;
  - (7) the appropriate regional office of the Department of Environmental Protection; and
  - (8) the appropriate water management district. Copies of the Notice and a list of entities noticed shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.
- B) Exhibit   F   - An affidavit that the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each customer of the system being transferred. A copy of the Notice shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.
- C) Exhibit   G   - Immediately upon completion of publication, an affidavit that the notice of actual application was published once in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

#### **PART IV FILING FEE**

Indicate the filing fee enclosed with the application:

\$ 750.00 (for water)      \$ 750.00 (for wastewater).

Note: Pursuant to Rule 25-30.020, Florida Administrative Code, the amount of the filing fee as follows:

- (1) For applications in which the utility to be transferred has the capacity to serve up to 500 ERC's, the filing fee shall be **\$750**.
- (2) For applications in which the utility to be transferred has the capacity to serve from 501 to 2,000 ERC's the filing fee shall be **\$1,500**.
- (3) For applications in which the utility to be transferred has the capacity to serve from 2,001 ERC's to 4,000 ERC's the filing fee shall be **\$2,250**.
- (4) For applications in which the utility to be transferred has the capacity to serve more than 4,000 ERC's the filing fee shall be **\$3,000**.

#### **PART V OTHER**

- A) Exhibit H - Evidence that the utility owns the land where the utility treatment facilities are located. If the utility does not own the land, a copy of the agreement which provides for the long term, continuous use of the land such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.
- B) Exhibit N/A - The original and two copies of revised tariff sheet(s) reflecting the change in ownership. **Sample tariff sheets are attached.**
- C) Exhibit I - The utility's current certificate(s). If not available, an explanation of the steps taken to obtain the certificate(s).



**PART VI AFFIDAVIT**



I Charles deMenzes (applicant) do solemnly swear or affirm that the facts stated in the forgoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

BY:   
Applicant's Signature

**Charles deMenzes**  
Applicant's Name

**President and Secretary**  
Applicant's Title \*

Subscribed and sworn to before me this 9<sup>TH</sup> day of the month of January in the year of 2006 by Charles deMenzes who is personally known to me.

  
Notary Public's Signature  
  
MY COMMISSION # DD200958 EXPIRES  
April 7, 2007  
BONDED THROUGH TROY FARM INSURANCE, INC.  
Print, Type or Stamp Commissioned  
Name of Notary Public

\* If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

## LEGAL NOTICE

Notice is hereby given on 1-9-06, pursuant to Section 367.071, Florida Statutes, of the application for a transfer of majority organizational control of C.F.A.T. H2o, Inc. from Ronald Chase to Floyd & Eugenia Segarra and Charles deMenzes, providing service to the following described territory in Marion, Florida.

The following described lands located in portions of Sections 16 and 21, Township 14 South, Range 22 East, Marion County Florida:

Section 16: Southwest  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$ , except the North 475 feet; Southeast  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$ ; South 3 chains of Northeast  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$ .

Section 21: East  $\frac{1}{2}$  of Northeast  $\frac{1}{4}$ .

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

C.F.A.T. H2o, Inc.  
P.O. Box 5220  
Ocala, FL 34478-5220

## Exhibit "A"

The former Majority Shareholder (Ronald Chase 52%) has encountered medical problems associated with Alzheimer's disease. His Father (Sid Wingerhoff), age 86, was appointed as the executor of the son's estate. Given the expense of maintaining care for his son, Mr. Wingerhoff indicated that he would be agreeable to selling his son's interest in the utility. An agreement in principle was reached with the Buyers (Floyd & Eugenia Segarra and Charles deMenzes) subject to the normal conditions of purchasing stock in an S Corporation, which included requiring the provision of the Stock Certificate, Stock Book and Utility PSC Certificate to the Buyers. The agreement called for a purchase of the 52% interest for One Hundred Forty Thousand (\$140,000.00) Dollars and repayment of a corporate loan in the amount of Ten Thousand Six Hundred Thirty Four (\$10,634.00) Dollars.

Mr. Chase originally maintained the documents required, but because of his medical condition, he was not able to provide the information. The Buyers subsequently had to re-create the corporate information, which included the Stock Book and Stock Certificates. The transaction was eventually closed on August 31, 2005.

In addition, Mr. John Fannon, the other Stockholder, indicated his willingness to sell his interest in the utility, as he was not in a position to invest more funds in the utility as required. (Exhibit "D")

An Agreement was reached with Mr. Fannon to purchase his interest (24%) for Sixty Five Thousand (\$65,000.00) Dollars. Purchase of Mr. John Fannon's interest by the Buyers was also consummated on August 31, 2005.

The purchase is in the public interest as Charles deMenzes, one of the Buyers has been managing this utility since 1989. In addition, Mr. deMenzes has three (3) other water and/or wastewater utilities, which he has owned or managed for over 20 years.

The Buyers will fulfill the commitments, obligations and representations of the Sellers with regard to utility matters.

Exhibit "B"

Stock Purchase Agreement

This agreement between Ronald Chase (Sid Wingerhoff POA), hereinafter known as "Seller" and CHELES DE MENCES, hereinafter known as "Buyer" stipulates that the Seller is willing to sell and the Buyer is willing to buy the seller's interest in the Corporation known as C.F.A.T. H2o, Inc., a Florida corporation.

Seller represents that said interest in the corporation equals one hundred four (104) shares of stock, representing fifty-two (52%) percent of the corporation, and that Seller has the right to sell said interest which Seller warrants that the Stock is free of any and all liens or encumbrances.

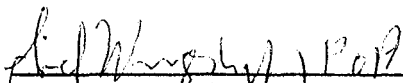
Purchase price for said shares of stock is One Hundred Forty Thousand Dollars (\$140,000.00) payable in cash within 30 days of the signing of this agreement.

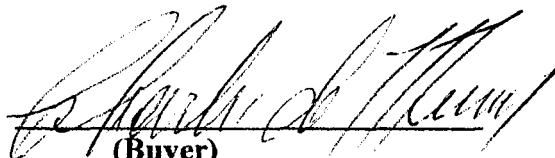
Effective date of purchase shall be August 31st, 2005.

Seller shall sign and transfer said stock certificate representing Seller's interest and tender said certificate to buyer upon payment of purchase price by Buyer. Because the original Corporate Book and Stock Certificates are not available, a duplicate set has been re-created and Seller agrees to sign any additional documents necessary to effectuate the stock transfer as required.

In addition, Seller hereby resigns as President of C.F.A.T. H2o, Inc. effective immediately.

Agreed to this 31 day of August 2005.

  
\_\_\_\_\_  
Sid Wingerhoff (POA) (Seller)

  
\_\_\_\_\_  
(Buyer)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

## **Exhibit "C"**

The Buyers have not financed the purchase from the Sellers. Funds were provided from personal assets.

## Exhibit "D"

Mr. deMenzes, one of the Buyers, has been managing the utility system since 1989.

There is no Outstanding Notice of Violations of any standards set by DEP.

System Improvements the Buyers are executing:

1. As required by DEP, systems serving more than 100 households should have two potable wells. An attempt to activate the utilities 2<sup>nd</sup> well failed due to Sulfur and Turbidity problems. As a result a permit was obtained from SMFWD to drill another well. This well has been drilled and application has been made to DEP for approval to activate the new well.
2. The utility has an agreement to service additional customers in the certificated area and as a result the utility must upgrade it's water plant to meet Marion County code. The utility has contracted with Florida-Aquastore & Utility Construction, Inc. to provide and install a 200,000-gallon ground potable water tank. An application for this ground tank has been submitted to DEP and the utility is waiting for approval.
3. Along with the above improvements, the entire electrical system had to be replaced and improved at the water plant site. The electrical work has been done and should be activated by the end of January 2006.

The above improvements are currently being executed and should be completed by the 1<sup>st</sup> quarter of 2006. Funds for these improvements are provided by Amsouth Bank as a 1<sup>st</sup> Mortgage on the utility property and personally guaranteed by the Mr. deMenzes.

**Exhibit "E"**

**AFFIDAVIT**

I **Charles deMenzes** (applicant) do solemnly swear or affirm that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030 Florida Administrative Code, by regular mail to the following:

- (1) the governing body of the municipality, county, or counties in which the system or the territory proposed to be served is located;
- (2) the privately owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located;
- (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission;
- (4) the regional planning council;
- (5) the Office of Public Counsel;
- (6) the Public Service Commission's Director of the Division of the Commission Clerk and Administrative Services;
- (7) the appropriate regional office of the Department of Environmental Protection; and
- (8) the appropriate water management district. Copies of the Notice and a list of entities noticed shall accompany the affidavit. THIS MAY BE A LATE-FILED EXHIBIT.

BY:

  
Applicant's Signature

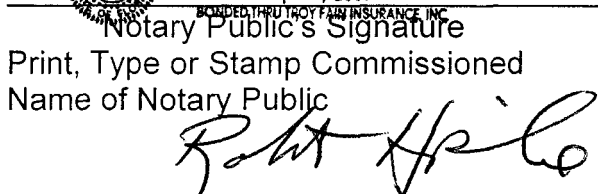
**Charles deMenzes**  
Applicant's Name

**President and Secretary**  
Applicant's Title \*

Subscribed and sworn to before me this 9<sup>TH</sup> day of the month of January in the year of 2006 by Charles deMenzes who is personally known to me.



Robert C. Hipke  
MY COMMISSION # DD200958 EXPIRES  
April 7, 2007

  
Notary Public's Signature  
Print, Type or Stamp Commissioned  
Name of Notary Public

**LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY  
(VALID FOR 60 DAYS)  
01/06/2006 - 03/06/2006**

UTILITY NAME

MANAGER

MARION COUNTY

BFF CORP. (SU595) P. O. BOX 5220 OCALA, FL 34478-5220	CHARLES DE MENZES (352) 622-4949
C.F.A.T. H2O, INC. (WS719) P. O. BOX 5220 OCALA, FL 34478-5220	CHARLES DE MENZES (352) 622-4949
COUNTY-WIDE UTILITY CO., INC. (WU008) P. O. BOX 1476 OCALA, FL 34478-1476	DIRK J. LEEWARD (352) 245-7007 OR
EAST MARION SANITARY SYSTEMS, INC. (SU535) G-4225 MILLER ROAD, #190 FLINT, MI 48507-1227	HERBERT HEIN (810) 733-6342
EAST MARION SANITARY SYSTEMS, INC. (WU536) G-4225 MILLER ROAD, #190 FLINT, MI 48507-1227	HERBERT HEIN (810) 733-6342
LOCH HARBOUR UTILITIES, INC. (WS151) 1025 S.E. 10TH STREET OCALA, FL 34471-3907	JOSEPH C. MCCOUN (352) 362-0233
MARION UTILITIES, INC. (WS160) 710 N.E. 30TH AVENUE OCALA, FL 34470-6460	TIM E. THOMPSON (352) 622-1171
OCALA OAKS UTILITIES, INC. D/B/A AQUA UTILITIES FLORIDA, I (WU174) % AQUASOURCE, INC. 6960 PROFESSIONAL PARKWAY EAST, #400 SARASOTA, FL 34240-8432	NANCE GUTH (941) 907-7411
OCALA SPRINGS UTILITIES INC. (WS808) % AVATAR HOLDINGS INC. 201 ALHAMBRA CIRCLE, 12TH FLOOR CORAL GABLES, FL 33134-5105	DENNIS J. GETMAN (305) 442-7000
RAINBOW SPRINGS UTILITIES, L.C. (WS199) P. O. BOX 1850 DUNNELLON, FL 34430-1850	LEE NOVY (352) 489-9153
RESIDENTIAL WATER SYSTEMS, INC. (WU370) P. O. BOX 5220 OCALA, FL 34478-5220	CHARLES DEMENZES (352) 622-4949



**LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY  
(VALID FOR 60 DAYS)  
01/06/2006 - 03/06/2006**

UTILITY NAME

MARION COUNTY

MANAGER

S & L UTILITIES, INC. (SU327)  
P. O. BOX 4186  
OCALA, FL 34478-4186

TERESA P. FLETCHER  
(352) 694-2611

SUN COMMUNITIES OPERATING LIMITED PARTNERSHIP (WS746)  
THE AMERICAN CENTER  
27777 FRANKLIN ROAD, SUITE 200  
SOUTHFIELD, MI 48034-8205

JIM HOEKSTRA  
(248) 208-2554

SUNSHINE UTILITIES OF CENTRAL FLORIDA, INC. (WU239)  
10230 E. HIGHWAY 25  
BELLEVIEW, FL 34420-5531

JAMES H. HODGES  
(352) 347-8228

TRADEWINDS UTILITIES, INC. (WS350)  
P. O. BOX 5220  
OCALA, FL 34478-5220

CHARLES DE MENZES  
(352) 622-4949

UTILITIES, INC. OF FLORIDA (WU443)  
200 WEATHERSFIELD AVENUE  
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN  
(407) 869-1919

UTILITIES, INC. OF FLORIDA (SU661)  
200 WEATHERSFIELD AVENUE  
ALTAMONTE SPRINGS, FL 32714-4027

PATRICK C. FLYNN  
(407) 869-1919

VENTURE ASSOCIATES UTILITIES CORP. (WU512)  
5127 N.W. 26TH STREET  
OCALA, FL 34482-8599

ARTHUR F. TAIT  
(352) 732-8662

WINDSTREAM UTILITIES COMPANY (WU385)  
P. O. BOX 4201  
OCALA, FL 34478-4201

SHARON (SHARI) DLOUHY  
(352) 620-8290

**LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY  
(VALID FOR 60 DAYS)  
01/06/2006 - 03/06/2006**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CLERK, BOARD OF COUNTY COMMISSIONERS, MARION COUNTY  
P. O. BOX 1030  
OCALA, FL 32678-1030

DEP CENTRAL DISTRICT  
3319 MAGUIRE BLVD., SUITE 232  
ORLANDO, FL 32803-3767

DEP SOUTHWEST DISTRICT  
3804 COCONUT PALM DRIVE  
TAMPA, FL 33618-8318

MAYOR, CITY OF BELLEVIEW  
5343 S.E. ABSHIER BLVD.  
BELLEVIEW, FL 34420-3904

MAYOR, CITY OF DUNNELLON  
20750 RIVER DRIVE  
DUNNELLON, FL 34431-6744

MAYOR, CITY OF OCALA  
P. O. BOX 1270  
OCALA, FL 32678-1270

MAYOR, TOWN OF REDDICK  
P. O. BOX 203  
REDDICK, FL 32686-0203

ROBERT TITTERINGTON, MARION COUNTY  
601 S.E. 25TH AVENUE  
OCALA, FL 34471

S.W. FLORIDA WATER MANAGEMENT DISTRICT  
2379 BROAD STREET  
BROOKSVILLE, FL 34609-6899

ST.JOHN'S RIVER WTR MANAGEMENT DISTRICT  
P.O. BOX 1429  
PALATKA, FL 32178-1429

TOWN CLERK/MANAGER, TOWN OF MCINTOSH  
P. O. BOX 165  
MCINTOSH, FL 32664-0165

**LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY  
(VALID FOR 60 DAYS)  
01/06/2006 - 03/06/2006**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

WITHLACOCHEE REG. PLANNING COUNCIL  
1241 S.W. 10TH STREET  
OCALA, FL 34474-2798

**LIST OF WATER AND WASTEWATER UTILITIES IN MARION COUNTY  
(VALID FOR 60 DAYS)  
01/06/2006 - 03/06/2006**

UTILITY NAME

STATE OFFICIALS

MANAGER

STATE OF FLORIDA PUBLIC COUNSEL  
C/O THE HOUSE OF REPRESENTATIVES  
THE CAPITOL  
TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

**EXHIBITS “F” & “G”**

These will be provided as a late-filed exhibit.

Exhibit "H"

19.50R  
735.00 IS

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made on this \_\_\_ day of July, 1994, by the RESOLUTION TRUST CORPORATION, as Receiver for MIAMI SAVINGS BANK, whose address is 100 Colony Square, 23rd Floor, Atlanta, Georgia 30361 as GRANTOR, to C.F.A.T. H2O, INC., a Florida Corporation, whose address is 1515 E. Silver Springs Boulevard, Suite W165, Ocala, Florida 34470 as GRANTEE, whose Federal Tax I.D. Number is 65-0445576.

WITNESS that Grantor, for good and valuable consideration, receipt of which is acknowledged, grants, bargains and sells to Grantee that certain real property located in the County of Marion, State of Florida, more particularly described on Exhibit "A" attached hereto and made a part hereof, together with all tenements, hereditaments and appurtenances thereto; subject to current real property taxes, zoning and other governmental restrictions, and all covenants, conditions, restrictions, easements, rights-of-way, and other matters of record.

TAX FOLIO NUMBERS ARE: 14503-000-03  
14503-000-06

Grantor hereby covenants with Grantee that Grantor will forever defend Grantee against claims of all persons claiming by, through or under Grantor. No other covenants or warranties, express or implied, are given by this Special Warranty Deed.

IN WITNESS WHEREOF, Grantor has set its hand and seal the day and year first above written.

Witnesses

Resolution Trust Corporation, as Receiver for Miami Savings Bank

MARIE F. CHARON  
Print Name: MARIE F. CHARON

By: L. LeRoy Hill  
Print Name: L. LeRoy Hill  
Attorney-in-Fact

KAYE F. FOX  
Print Name: KAYE F. FOX

Print Address: 100 Colony Square,  
23rd Floor, Atlanta, GA 30361

STATE OF GEORGIA  
COUNTY OF FULTON

The foregoing instrument was acknowledged before me on this 7 day of July, 1994, by L. LeRoy Hill, as Attorney-in-fact of the Resolution Trust Corporation, as Receiver for Miami Savings Bank, who is personally known to me or has produced as identification and who did not take an oath.

Angela C. Cooper  
Name: Angela C. Cooper  
Notary Public

My Commission Expires: My Commission Expires  
My Commission Number: My Commission Number

This instrument prepared by and return to:

Lynn D. Solomon, Esquire  
10020 S. Federal Highway  
Port St. Lucie, FL 34952

Auction4\925416.dad

OR Book/Pages 2052/0594

Filed for Record in the Circuit Court of Marion County, Florida  
07/12/94 1341  
Marion County - Madisonville, N.C.

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
DEPT. OF REVENUE  
PR JUL 12 '94  
735.00

Exhibit "H-1"

EXHIBIT "A"

FILE: 94059063  
OR Book/Page 20352/0596

3 of 4

DESCRIPTION FOR WATER TREATMENT PLANT

COMMENCE AT THE NORTHEAST CORNER OF LOT 18, BLOCK B OF LANDFAIR UNIT 1, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "Y", PAGES 53 THROUGH 55 INCLUSIVE, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE N.00°04'21"W. A DISTANCE OF 269.47 FEET; THENCE N.90°00'00"E A DISTANCE OF 603.79 FEET; THENCE S.00°00'00"E A DISTANCE OF 60.67 FEET; THENCE N.88°06'45"E A DISTANCE OF 214.75 FEET TO THE POINT OF BEGINNING. THENCE N.03°46'26"W. A DISTANCE OF 63.79 FEET; THENCE N.85°54'16"E A DISTANCE OF 80.40 FEET; THENCE S.03°56'18"E A DISTANCE OF 90.62 FEET; THENCE S.86°12'39"W. A DISTANCE OF 80.66 FEET; THENCE N.03°46'26"W. A DISTANCE OF 26.40 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 20.00 FOOT INGRESS, EGRESS, MAINTENANCE AND UTILITY EASEMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF LOT 18, BLOCK B OF LANDFAIR UNIT 1, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "Y", PAGES 53 THROUGH 55 INCLUSIVE, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE N.00°04'21"W. A DISTANCE OF 269.47 FEET; THENCE N.90°00'00"E A DISTANCE OF 603.79 FEET; THENCE S.00°00'00"E A DISTANCE OF 60.67 FEET; THENCE N.88°06'45"E A DISTANCE OF 214.75 FEET; THENCE S.03°46'26"E A DISTANCE OF 20.01 FEET; THENCE S.88°06'45"W. A DISTANCE OF 236.08 FEET; THENCE N.00°00'00"E A DISTANCE OF 61.34 FEET; THENCE S.90°00'00"W. A DISTANCE OF 563.76 FEET; THENCE S.00°04'21"E TO A POINT ON THE NORTH BOUNDARY OF SAID PLAT, A DISTANCE OF 357.29 FEET; THENCE S.89°55'39"W. ALONG THE NORTH BOUNDARY OF SAID PLAT, TO A POINT ON THE EAST BOUNDARY OF SAID LOT 18, A DISTANCE OF 20.00 FEET; THENCE N.00°04'21"W. ALONG SAID EAST BOUNDARY A DISTANCE OF 107.85 FEET TO THE POINT OF BEGINNING.

Exhibit "H-2"

EXHIBIT "A"

File# 94059983  
OR Book/Paper 2052/0095

DESCRIPTION FOR SEWAGE TREATMENT PLANT  
TRACTS 'E', 'F' AND 'G' OF LANDFAIR UNIT 1, AS PER PLAT THEREOF,  
RECORDED IN PLAT BOOK "Y", PAGES 53 THROUGH 55 INCLUSIVE, OF THE PUBLIC  
RECORDS OF MARION COUNTY, FLORIDA.

TOGETHER WITH AN INGRESS, EGRESS, MAINTENANCE AND UTILITY  
EASEMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE S.W.  
CORNER OF TRACT 'F'; THENCE N.89°55'39"E. ALONG THE SOUTH BOUNDARY OF  
TRACT 'F' A DISTANCE OF 20.00 FEET; THENCE DEPARTING FROM SAID SOUTH  
BOUNDARY, S.00°04'21"E. A DISTANCE OF 67.00 FEET; THENCE  
S.89°55'39"W. A DISTANCE OF 85.00 FEET; THENCE N.65°37'45"W. A  
DISTANCE OF 17.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF  
N.E. 23RD COURT (BEING A 50.00 FOOT RIGHT OF WAY), SAID POINT LYING ON A  
105.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, HAVING A CHORD  
BEARING OF N.18°08'03"E. AND A CHORD DISTANCE OF 32.50 FEET; THENCE  
NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 175°40" A  
DISTANCE OF 32.73 FEET; THENCE DEPARTING FROM SAID RIGHT OF WAY LINE ON  
A NON-TANGENT BEARING OF N.89°55'39"E. A DISTANCE OF 106.57 FEET;  
THENCE N.00°04'21"W. A DISTANCE OF 42.00 FEET TO THE POINT OF  
BEGINNING.

TOGETHER WITH AN INGRESS, EGRESS, MAINTENANCE AND UTILITY EASEMENT  
OVER THE NORTH 10.00 FEET OF LOT 80, BLOCK C OF LANDFAIR UNIT 1, AS PER  
PLAT THEREOF, RECORDED IN PLAT BOOK "Y", PAGES 53 THROUGH 55 INCLUSIVE,  
OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.



Exhibit "H-3"

File: 94059003  
OR Book/Pg: 2052/0097

EXHIBIT "A"

DESCRIPTION FOR PERCOLATION PONDS

COMMENCE 630 FEET NORTH OF THE S.W. CORNER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 22 EAST; THENCE EAST 330 FEET; THENCE NORTH 660 FEET; THENCE WEST 330 FEET; THENCE SOUTH 660 FEET TO THE POINT OF BEGINNING. TOGETHER WITH AN INGRESS, EGRESS, MAINTENANCE AND UTILITY EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE S.E. CORNER OF SECTION 16, TOWNSHIP 14 SOUTH, RANGE 22 EAST; THENCE N.00°15'55"W., ALONG THE EAST BOUNDARY OF SAID SECTION, A DISTANCE OF 956.88 FEET TO THE POINT OF BEGINNING. THENCE S.79°56'38"W. A DISTANCE OF 166.17 FEET; THENCE S.01°18'22"W. A DISTANCE OF 228.17 FEET; THENCE S.00°15'39"E., PARALLEL WITH AND 20.00 FOOT DISTANT FROM THE EAST BOUNDARY OF TRACTS 'F' AND 'G' OF LANDFAIR UNIT 1, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "Y", PAGES 53 THROUGH 55 INCLUSIVE, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA A DISTANCE OF 227.22 FEET; THENCE S.89°44'21"W. TO THE EAST BOUNDARY OF TRACT 'F', A DISTANCE OF 20.00 FEET; THENCE N.00°15'39"W. ALONG THE EAST BOUNDARY OF TRACT 'F', A DISTANCE OF 67.50 FEET TO THE NORTHEAST CORNER OF TRACT 'F'; THENCE S.89°55'39"W. ALONG THE SOUTH BOUNDARY OF TRACT 'G', A DISTANCE OF 348.83 FEET; THENCE S.64°27'51"W. A DISTANCE OF 11.33 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF N.E. 23RD COURT (BEING A 50.00 FOOT RIGHT OF WAY), SAID POINT LYING ON A 105.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, HAVING A CHORD BEARING OF N.30°38'19"W. AND A CHORD DISTANCE OF 18.52 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°07'28", A DISTANCE OF 18.55 FEET; THENCE DEPARTING FROM SAID RIGHT OF WAY LINE ON A NON-TANGENT BEARING OF N.55°44'11"E. A DISTANCE OF 15.88 FEET; THENCE N.89°55'39"E. PARALLEL TO THE SOUTH BOUNDARY OF TRACT 'G', A DISTANCE OF 355.28 FEET TO THE EAST BOUNDARY OF TRACT 'G'; THENCE N.00°15'39"W. ALONG THE EAST BOUNDARY OF TRACT 'G', A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF TRACT 'G'; THENCE N.01°18'22"E. A DISTANCE OF 244.83 FEET; THENCE N.79°56'38"E. A DISTANCE OF 186.00 FEET; THENCE S.00°15'55"E. A DISTANCE OF 20.30 FEET TO THE POINT OF BEGINNING.

## **Exhibit "I"**

As previously stated in Exhibit "A", Mr. Ronald Chase had misplaced the PSC Utility Certificate as a result of his medical condition.

The current Shareholders respectfully request a re-issue of the Certificate by the Commission.